

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 4 May 2016

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APPLICATION REF. NO:	16/00032/FUL
STATUTORY DECISION DATE:	16 May 2016
WARD/PARISH:	COCKERTON
LOCATION:	Former Alderman Leach School Playing Field School Street DARLINGTON
DESCRIPTION:	Proposed residential development comprising of 34 No. dwellings, access road, car parking and drainage infrastructure (Amended Plans and Flood Risk Assessment Received 13 April 2016)
APPLICANT:	Keepmoat

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for the erection of thirty-four dwellings.

The site is approximately 0.8 hectares and is located to the south of the recent housing development at Sugar Hill Grove. To the west are properties on Stooperdale Avenue. To the south and east are allotments.

The proposal shows a new access taken off Sugar Hill Grove, which leads to a cul-de-sac providing access for the proposed properties.

The proposal would provide:

- 9 – Two bedroom houses (including two bungalows).
- 22 – Three bedroom houses (including six 2.5 storey dwellings).
- 3 – Four bedroom houses.

Six two bedroom, affordable homes will be provided as part of the proposal. The affordable dwellings will be a mixture of affordable rent and shared ownership. The affordable homes are pepper-potted amongst the houses for private sale and will reflect a similar external design to the Keepmoat Homes private dwellings

The plans were amended to alter the shared drive arrangement of the road but this has no implications for the scale or layout of the development.

The application has been the subject of extensive pre-application discussions with the applicant and engagement with the public

PLANNING POLICY BACKGROUND

The following policies of the development plan are relevant:

Borough of Darlington Local Plan 1997:

- E2 – Development Limits
- E12 – Trees and Development
- E13 – Tree Preservation Orders
- E14 – Landscaping of Development

Darlington Core Strategy Development Plan Document 2011:

- CS1 – Darlington’s Sub-Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS3 – Promoting Renewable Energy
- CS4 – Developer Contributions
- CS10 – New Housing Development
- CS11 – Meeting Housing Need
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety
- CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network

The Council’s Design of New Development Supplementary Planning Document 2011 is relevant.

The National Planning Policy Framework (NPPF) 2012 is also relevant.

RESULTS OF CONSULTATION AND PUBLICITY

Letters were sent to occupiers of neighbouring properties advising of the proposal, site notices were displayed and a press advert was issued.

Comments and objections representing **10** contributors have been received and the main points raised are summarised below:

- *The site is contaminated.*
- *Development of the site will create a lot of dust.*
- *The development may cause flooding issues.*
- *The proposal would impact on trees and ecology.*
- *There are foxes living on the site.*
- *A barn owl lives in one of the trees.*
- *The number of proposed houses is too high.*
- *There would be noise and disturbance issues during construction.*
- *Construction works should not take place on a Saturday.*

- *There would be noise issues if piled foundations are used.*
- *There is limited parking on Sugar Hill Grove.*
- *The proposal will increase traffic.*
- *Passing traffic may damage parked cars.*

- *The design is not in keeping with the surroundings.*
- *There would be a loss of privacy to existing houses.*
- *There would be a loss of light to existing houses.*

The following points that are not planning considerations were made.

- *The proposed social housing may reduce the property value of existing properties.*
- *There may be criminal activity at the compound during construction.*

Durham Police Architectural Liaison Officer advised that from a designing out crime perspective, there are no issues with the layout of the dwellings.

The **Ecology Officer** raised no objections.

The Comments of the **Lead Local Flood Authority** and details of any conditions required will be reported verbally at the Committee Meeting.

The **Environment Agency** made no comments.

The **Environmental Health Officer** asked for conditions regarding the construction management plan (for development to take place in accordance with it) and to address issues that might arise if piled foundations are used. Conditions regarding contamination were also requested.

The **Highway Engineer** raised no objections subject to a condition regarding street lighting. The road / shared driveway arrangement was amended based on the Highways Engineer's comments.

Northumbrian Water asked for a condition regarding the implementation of the drainage scheme.

Northern Gas Network raised no objections.

PLANNING ISSUES

The main issues to be taken into consideration are:

- Planning Policy
- Design
- Ecology
- Trees
- Residential Amenity
- Highways Matters
- Flood Risk / Drainage
- Affordable Housing

Planning Policy

The site is within the development limits for the urban area as defined by the Proposals Map of the Borough of Darlington Local Plan 1997. The proposal is therefore acceptable in principle subject to other considerations.

Design

Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy includes provision that new development should reflect or enhance Darlington's distinctive nature; create a safe and secure environment; create safe, attractive, functional and integrated outdoor spaces that complement the built form; and relate well to the Borough's green infrastructure network.

The form and layout of the proposal is in keeping with the settlement pattern of the surrounding area. This includes the new development to the north of the site and the existing older houses in the area. The proposal would not be harmful to the visual amenity of the area.

Ecology

Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity) of the Core Strategy states that the protection, restoration, extension and management of the Borough's biodiversity and geological network will be delivered to help achieve the target level of priority habitats and species set out in the UK and Durham Biodiversity Action Plans by measures including by ensuring that new development would not result in any net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity features and the geological network through the design of new development, including public and private spaces and landscaping.

Paragraph 118 of the NPPF advises that local planning authorities should seek to conserve and enhance biodiversity by applying a number of principles.

An extended Phase 1 Habitat Survey was submitted with the application. Recommendations were made that:

- Clearance of vegetation should take place during the winter months or otherwise if specific precautions are taken.
- Bat and bird boxes should be included within the new development design, and native trees and shrubs used to landscape areas surrounding the buildings.

A condition that development only takes place in accordance with the conclusions and recommendations of the Extended Phase 1 Habitat Survey report would be required.

Trees

Policy E12 (Trees and Development) of the Local Plan states that development proposals will be required to take full account of trees and hedgerows on and adjoining the site.

None of the trees on the site are protected but the intention is to retain existing trees where possible. These are the trees along the southern and eastern boundaries. The root protection areas of the trees have been identified.

A landscaping scheme forms part of the application and this includes planting extra-heavy standard specimen trees in key areas including the public open space and main focal points within the development.

Overall, the proposal is considered acceptable in relation to its impacts on trees. The proposed landscaping works will help soften the appearance of the development and integrate it into its surroundings. A condition for tree protection works during construction would be required.

Residential Amenity

There would be 21m from the rear elevation of the proposed dwellings to the rear elevations of numbers 7, 9, 11, 15 and 17 Sugar Hill Grove. Although the proposed houses at plots 8 and 9 would be 2.5 storey dwellings, the dormer windows would be in the front elevation with only rooflights to the rear elevation.

There would be 24m from the the rear elevation of the proposed dwellings to the rear elevations of numbers 3 and 5 Sugar Hill Grove.

There would be 20m from the proposed pair of semidetached bungalows (plots 10 and 11) to numbers 19 and 21 Sugar Hill Grove. There would be 4.3m from the proposed bungalows to the side elevation of 50B Stooperdale Avenue. There are no windows on the side elevation of the bungalows.

There would be 16m from number 1 Sugar Hill Grove to the side elevation of the proposed dwelling at plot 1. This property would only have a bathroom window on its side elevation.

There would be 3.9m from the side elevation of number 17 School Street to the side elevation of the proposed house at plot 34. This property would only have a bathroom window on its side elation.

There would be 12.9m from the rear elevation of the proposed house at plot 30 and the side elevation of number 42 Leach Grove.

There would be 6.1m from number 50B Stooperdale Avenue to the side elevation of the proposed house at plot 12.

The separation distances with existing properties and between proposed dwellings is such that no significant detrimental impacts would be raised in respect of light, outlook or overlooking issues.

Amended plans have been received to show obscure glazing in all bathroom and WC windows.

Regarding construction hours, the construction management plan this identifies constructing hours as between 8am and 6pm (Mondays to Fridays) and 8am to 1pm (Saturdays) with no activities to take place on a Sundays or Public Holidays. A condition regarding this would be appropriate.

It should be noted that the provision of buildings, movable structures, works, plant or machinery required temporarily in connection with construction operations is permitted development and therefore the Local Planning Authority cannot control this aspect of the development. However, the Council has other powers under Environmental Health Legislation where issues of disturbance can be addressed if needed.

It is proposed to use a “Powersafe” diesel generator unit during construction. This would be an ultra-quiet unit fitted with silencers and noise levels would be minimal.

Highways Matters

This proposed site extends the existing site of 80 dwellings and 15 apartments to the north off a new access onto School Street with suitable junction spacing employed. This new layout reflects a similar style to that of the housing recently constructed and connects through with highway and footway links.

Given the size of the development being only 34 dwellings, this falls below the criteria for a Transport Statement being supplied as part of the application. However a Transport Statement has been provided and it shows that the additional dwellings would generate in the order of 20 two way trips in the am and pm peak hours which would equate to an average of 1 vehicle every 3 minutes during the peak hour which would not be classed as a severe impact therefore it would be difficult to refuse on traffic generation grounds. There have been no reported accidents within the last 5 years at either junction from the new development onto Bates Avenue or Stoopersdale Avenue based on the Police accident statistics held by the Council.

Car parking across the site generally accords with the parking levels set out in the Tees Valley Design Guidance.

The internal access roads should be subject to a 20mph speed limit with suitable traffic calming features employed to reduce vehicle speeds. Traffic calming would be required along the main access road to keep speeds down to 20mph. Speed cushions are usually provided at around 60 - 70m spacing's and further details should be provided for review or conditioned as appropriate.

Flood Risk / Drainage

The proposed development is in a Flood Zone 1 however, the Environment Agency's flood maps show a small area of low risk of surface flooding to the western side of the proposed site.

Any increase in surface water generated by the proposed development or existing surface water / groundwater issues on the site can be alleviated by the installation of a sustainable drainage system within the site.

Surface water discharges from this site will be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. The discharge rates from the site will be restricted to the existing greenfield runoff rates with sufficient storage within the system to accommodate a 1 in 30 year storm. The design will also ensure that storm water resulting from a 1 in 100 year event plus climate change surcharging the drainage system can be stored on site without risk to people or property and without overflowing into drains or watercourse.

A condition will most likely be required to specify the details of the sustainable drainage strategy. The Lead Local Flood Authority will advise on this and this will be reported verbally at the Committee Meeting.

Affordable Housing

The proposal includes six affordable dwellings on site. The affordable dwellings will be a mixture of affordable rent and shared ownership. The affordable homes are ‘pepper-potted’

amongst the houses for private sale and would reflect a similar external design to the private dwellings.

The affordable housing provision would be secured on the sale contract for the land, as this is currently owned by the Council. A condition on the granting of planning permission would also be required.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

The proposed development is considered acceptable and will not cause significant harm to the character and appearance of the area. The proposal has no significant impacts in terms of residential amenity. The proposal does not adversely impact on highway safety.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS.

- 1) A3 – Statutory Time limit (3 Years)
- 2) B5 – Detailed Drawings (Accordance with Plan)
- 3) E3 – Landscaping (Implementation)
- 4) Unless otherwise agreed in writing by the Local Planning Authority, the proposed development shall be only carried out in all respects in accordance with the recommendations and methods contained within the Extended Phase 1 Habitat Survey report (Innovation Group Environmental Services October 2015).

REASON – In the interests of ecology.

- 5) Unless otherwise agreed in writing by the Local Planning Authority, the proposed development shall be only carried out in all respects in accordance with the recommendations (including tree protection measures) contained within the Arboricultural Impact Assessment report (Innovation Group Environmental Services October 2015).

REASON – In the interests of visual amenity.

- 6) The development hereby permitted shall not be carried out other than in accordance with a scheme for the provision of affordable housing which shall be submitted to and, improved in writing by, the Local Planning Authority prior to the first occupation of any dwelling on site.

REASON – In order to meet the requirement to provide suitable affordable housing as part of the development.

- 7) If piled foundations are to be used on any plot, prior to foundation work commencing, details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment if necessary in accordance with recognised guidance shall be submitted and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved plan.

REASON – In the interests of amenity.

- 8) No construction activities including the use of plant, equipment and deliveries shall take place outside the hours of 8.00 am and 6.00 pm Mondays to Fridays, 8.00am and 1.00pm on Saturdays with no activities to take place on a Sundays or Public Holidays.

REASON – In the interests of amenity.

- 9) Unless otherwise agreed in writing by the Local Planning Authority, the proposed development shall be only carried out in all respects in accordance with the Construction Management Plan Revision B (Keepmoat April 2016).

REASON – In the interests of amenity.

- 10) Unless otherwise agreed in writing by the Local Planning Authority, only “Powersafe” diesel generator unit(s) will be used during the construction phase.

REASON – In the interests of amenity.

- 11) Prior to the completion of building works on any approved dwelling, details of street lighting shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details unless otherwise agreed in writing.

REASON – In the interests highway safety.

- 12) Prior to the commencement of the development, a Phase 3 Remediation and Verification Strategy shall be prepared by a “suitably competent person(s)” to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use, and shall be submitted to and agreed in writing with the Local Planning Authority, unless the LPA dispenses with the requirement specifically and in writing. No alterations to the Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a “suitably competent person(s)” and in accordance with the approved Phase 3 Remediation and Verification Strategy.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority

wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

- 13) Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent the construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

- 14) A Phase 4 Verification and Completion Report shall be compiled and reported by a “suitably competent person(s)”, documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in writing.

The development site or agreed phase of development site, shall NOT be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection

- 15) [Condition regarding drainage scheme to be confirmed]

INFORMATIVES

- An appropriate street lighting scheme and design should be submitted and approved in writing by the Local Planning Authority. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr M Clarkson 01325 6652) to discuss this matter.
- The Developer is required to submit detailed drawings of the proposed highway works to be approved in writing by the Local Planning Authority and enter into a Section 38 agreement before commencement of the works on site. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr S. Brannan 01325 406663) to discuss this matter.

- The applicant is advised that contact be made with the Assistant Director: Highways, Design and Projects (contact Ms. P. McGuckin 01325 406651) to discuss naming and numbering of the development.
- The applicant is advised to contact the Assistant Director : Highways, Design and Projects (contact Mrs. Brenda Bowles 01325 406708) to discuss the introduction of a 20mph zone.
- The Council provides further advice and information to assist in complying with the requirements of the land contamination planning condition(s) in Technical Guidance for Developers, Landowners and Consultants,
 - YAHPAC "Development of Land Affected by Contamination
 - YAHPAC "Verification Requirements for Cover Systems"
 - YAHPAC "Verification Requirements for Gas Protection Systems"

The latest editions of each guidance can be found on the Council's website at the following link:

www.darlington.gov.uk/contlandplanningguidance